

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	5.54	0.00	0.00	5.54	0.00	0.00	5.54	5.54
Personal Services	377,824	113,328	15,039	506,191	114,075	34,309	526,208	1,032,399
Operating Expenses	736,677	258,632	0	995,309	272,401	0	1,009,078	2,004,387
Total Costs	\$1,114,501	\$371,960	\$15,039	\$1,501,500	\$386,476	\$34,309	\$1,535,286	\$3,036,786
State/Other Special	1,114,501	371,960	15,039	1,501,500	386,476	34,309	1,535,286	3,036,786
Total Funds	\$1,114,501	\$371,960	\$15,039	\$1,501,500	\$386,476	\$34,309	\$1,535,286	\$3,036,786

Agency Description

The Consumer Counsel represents state-wide consumer interests in hearings before the Public Service Commission and like agencies. On behalf of the public of Montana, the counsel may initiate, intervene, and participate in appropriate proceedings before state or federal courts or administrative agencies. The Montana Consumer Counsel is part of the legislative branch and is overseen by the Legislative Consumer Committee. The Consumer Counsel is provided for by Article XIII, Section 2 of the Montana Constitution, and is governed by Title 5, Chapter 15, and Title 69, Chapters 1 and 2, MCA.

Agency Highlights

Consumer Counsel Major Budget Highlights	
<ul style="list-style-type: none"> ◆ Funding for the agency increases 18.4 percent between the 2007 and 2009 biennia due to: <ul style="list-style-type: none"> • Personal services statewide present law adjustments that fully fund two positions vacant for all or part of the base budget year • Increases in operating expenses, including maintenance of the case load contingency appropriation at \$250,000 per year • Increases due to the 2009 biennium pay plan adopted by the legislature 	

Summary of Legislative Action

The legislative budget for this agency is the same as included in the executive request plus funding for the 2009 biennium pay plan that is contained in HB 13 of the regular session. The legislature approved the agency's request for present law adjustments and continuation of the caseload contingency appropriation at \$250,000 a year.

Agency Discussion

The 2009 biennium funding for the agency increases 18.4 percent when compared to 2007 biennium funding due to increases in the statewide present law adjustment for personal services costs, a present law decision package totaling \$527,926 for the biennium for the caseload contingency appropriation and other anticipated cost increases, and the 2009 biennium pay plan. Section 69-1-223, MCA provides that a contingency appropriation may be made and utilized in the event of a caseload increase. Statute allows and the legislature has historically provided a contingency appropriation for this agency. For the past two biennia, the contingency appropriation has been \$250,000 per year.

The contingency appropriation is typically used to contract for consultant and professional services to assist with cases. Consulting and professional services is the agency's largest category of expenditure and makes up about 60 percent of the agency's budget.

Other Legislation

Senate Bill 448 – This bill requires that the Consumer Counsel complete an analysis outlining the fiscal impacts of permit applications for new electrical generation facilities and facilities and upgrades under the Montana Major Facility Siting Act including an estimation of how customer rates may be impacted. The applicant is to pay costs incurred by the Consumer Counsel in the preparation of this analysis.

Executive Budget Comparison

The following table compares the legislative budget for the 2009 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2006	Executive Budget Fiscal 2008	Legislative Budget Fiscal 2008	Leg – Exec. Difference Fiscal 2008	Executive Budget Fiscal 2009	Legislative Budget Fiscal 2009	Leg – Exec. Difference Fiscal 2009	Biennium Difference Fiscal 08-09
FTE	5.54	5.54	5.54	0.00	5.54	5.54	0.00	
Personal Services	377,824	491,152	506,191	15,039	491,899	526,208	34,309	49,348
Operating Expenses	736,677	995,309	995,309	0	1,009,078	1,009,078	0	0
Total Costs	\$1,114,501	\$1,486,461	\$1,501,500	\$15,039	\$1,500,977	\$1,535,286	\$34,309	\$49,348
State/Other Special	1,114,501	1,486,461	1,501,500	15,039	1,500,977	1,535,286	34,309	49,348
Total Funds	\$1,114,501	\$1,486,461	\$1,501,500	\$15,039	\$1,500,977	\$1,535,286	\$34,309	\$49,348

The legislature provided funding for the Montana Consumer Counsel that is the same as the executive request plus the 2009 biennium pay plan contained in HB 13 of the regular session.

Funding

The following table summarizes funding for the agency, by program and source, as adopted by the legislature.

Program Funding Table Administration Program							
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009	
02000 Total State Special Funds	\$ 1,114,501	100.0%	\$ 1,501,500	100.0%	\$ 1,535,286	100.0%	
02801 Dep Rev Consumer Cncl Tax	1,114,501	100.0%	1,501,500	100.0%	1,535,286	100.0%	
Grand Total	\$ 1,114,501	100.0%	\$ 1,501,500	100.0%	\$ 1,535,286	100.0%	

The Consumer Counsel is funded by a constitutionally earmarked tax that is levied on all regulated entities under the jurisdiction of the Public Service Commission. The funding formula is specified in 69-1-223 and 224, MCA. Each year, the Department of Revenue (DOR) determines the total gross operating revenue generated by all regulated activities within the state for the previous fiscal year. DOR then computes the percentage tax necessary to yield an amount equal to the current appropriation, with no excess funds. If collection of excess revenue occurs, the amount charged to the regulated utilities for the following year is reduced.

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget approved by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					113,328					114,075
Inflation/Deflation					178					184
Fixed Costs					1,114					1,631
Total Statewide Present Law Adjustments					\$114,620					\$115,890
DP 1 - Present Law Base Adjustments	0.00	0	257,340	0	257,340	0.00	0	270,586	0	270,586
Total Other Present Law Adjustments	0.00	\$0	\$257,340	\$0	\$257,340	0.00	\$0	\$270,586	\$0	\$270,586
Grand Total All Present Law Adjustments					\$371,960					\$386,476

DP 1 - Present Law Base Adjustments - The legislature provided \$527,926 state special revenue for the biennium, including \$414,000 for the contingency appropriation, \$59,358 for increases in professional and consulting services, \$29,520 for increases in travel expenses, and \$25,048 for increases in other various operating expenditures. For the past two biennia a contingency appropriation of \$500,000 (\$250,000 per year) has been provided for costs associated with unanticipated caseload.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2009 Biennium Pay Plan - HB 13										
01	0.00	0	14,532	0	14,532	0.00	0	33,782	0	33,782
DP 6014 - Retirement Employer Contributions - HB 131										
01	0.00	0	507	0	507	0.00	0	527	0	527
Total	0.00	\$0	\$15,039	\$0	\$15,039	0.00	\$0	\$34,309	\$0	\$34,309

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program’s allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.